



Written by [R. Cort Kirkwood](#) on May 23, 2024

Cruz Grills Science-denying Biden Appointee Likely Headed to U.S. District Court

Yet another of President Joe Biden's leftist judicial nominees is a science denier.

This time, it's federal Magistrate Judge [Sarah Netburn](#), whom Ice Cream Joe nominated for the U.S. District Court for the Southern District of New York.

Like Supreme Court pick [Ketanji Brown Jackson](#), Netburn is unclear on the difference between a man and woman. And because the judge recommended that a U.S. district judge force the federal Bureau of Prisons to house a serial rapist in a women's facility, she came under heavy fire from Republicans during her confirmation hearing before the Senate Judiciary Committee.



AP Images
Ted Cruz

GOP Senators Ted Cruz of Texas and John Kennedy of Louisiana made her look ridiculous.

Absolute FIRE line of questioning from [@SenTedCruz](#) today ☐☐☐ bravo!

"Do they have the right to not have a 6'2" man who is a repeat serial rapist put in as their cell mate?" pic.twitter.com/TSzIMjdmml

— Riley Gaines (@Riley_Gaines_) [May 23, 2024](#)

Netburn's "She"

The subject of Cruz's ire was [Netburn's ridiculous decision](#) in 2022 to side with the 58-year serial rapist's preposterous claim that he's a woman. He goes by the fake name July Justine Shelby.

The so-called woman not only raped a 17-year-old girl, but also a 9-year-old boy. He also has a child porn conviction.

Netburn conceded the BOP's keeping the child rapist "in a men's facility is rationally connected to a legitimate penological interest because she is a sex offender who assaulted a 17-year-old girl in 1993 and sent two sexually explicit images of minors to her then boyfriend in 2015":

The claimed penological interest is in protecting female prisoners from sexual violence and trauma. This interest is obviously legitimate, but there are no signs that Petitioner is at risk of re-offending.

Netburn cited the [disgraced and discredited](#) World Professional Association for Transgender Health in her decision, noting that "most courts agree" that its science-denying "transgender" propaganda constitutes "the internationally recognized guidelines for the treatment of individuals with gender



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dysphoria.”

Netburn cited the rapist’s long tale of woe, which includes not only being raped himself but also being bullied and “assaulted and harassed” in a men’s facility because he is “transgender.” As well, she wrote, the rapist began wearing girl’s underwear when he was a small boy, a practice that continued into adulthood when he was in the Navy and after he married a woman.

[Wrote Netburn:](#)

At that time, Petitioner wore women’s underwear in secret: “It was the only thing that I could do. I mean I couldn’t do makeup, I couldn’t do hair, I couldn’t do dresses, I couldn’t do shoes, jewelry, I mean there was nothing that I could, I couldn’t act like a girl, there was nothing I could do.”

Netburn complained that BOP was not treating the prisoner properly and violated the [Eighth Amendment](#) to the federal Constitution, which forbids “cruel and unusual punishment”:

The overwhelming evidence suggests that BOP’s decision to deny Petitioner a transfer to a women’s facility is based on bias and fear and not evidence. It is not reasonably related to the legitimate penological interest of protecting prisoners. ...

The BOP has violated Petitioner’s Eighth Amendment rights by refusing to transfer her to a women’s facility, and that refusal is not reasonably related to legitimate penological interests. I therefore recommend that the [U.S. District] Court grant Petitioner’s writ and order that she be transferred to a women’s facility immediately.

Appointed by President Barack Hussein Obama, U.S. District Judge [Vernon Broderick](#), another science denier, agreed and ordered the transfer.

Roasted Judge

[Kennedy grilled](#) the nominee:

Miss Shelby said, “I don’t want to go to a male prison. I want to go to a female prison.” And the Board [sic] of Prisons said, “What planet did you parachute in from? You’re going to a male prison with this kind of record.” And you sent him to a female prison, didn’t you? You said that the Board [sic] of Prisons was trying to violate Ms. Shelby’s ... constitutional rights, didn’t you?

Cruz asked Netburn whether the rights of individuals or her political ideology mattered more. “My political ideology doesn’t matter at all,” Netburn replied.

“So I don’t believe you.” Cruz said. “And I think this case demonstrates that you are willing to subjugate the rights of individuals to satisfy your political ideology.”

Cruz then reviewed Shelby’s criminal record.

“And this individual — 6-foot-two, biologically a man. A minute ago you said that when this man decided that he was a she, you said this individual was quote, I wrote it down, ‘sober and entirely a female,’ Cruz said. “That phrase struck me as remarkable. Did this individual have male genitalia?”



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Netburn: *I think what I said ...*

Cruz: *That is a verbatim quote, "entirely a female."*

Netburn: *Sorry, what I meant to say was hormonally a female.*

Cruz: *OK. But that's not "entirely." Did this individual have male genitalia?*

Netburn: *Yes.*

Cruz: *So you took a 6-foot-2 serial rapist — serial child rapist, with male genitalia — and he said, "You know, I'd like to be in a women's prison." And your answer was, "That sounds great to me." Let me ask you something. The other women in that prison, do they have any rights? ...*

Netburn: *Is that a question you're asking me?*

Cruz: *Yes. The other women in that prison, do they have any rights?*

Netburn: *Of course.*

Cruz: *Do they have the right not to have a 6-foot-2 man who is a repeat serial rapist put in as their cellmate?*

Netburn: *Senator Cruz, I considered the facts presented to me, and I reached a decision ...*

Cruz: *I asked you a question. ... Do they have a right not to have a 6-foot-2 man, who is a serial rapist, put in as their cellmate. Do those women have a right to that?*

Netburn: *Every person who is incarcerated has the right to be safe in their space.*

Cruz: *But you didn't think so. ... Senator Kennedy is right. This is not a judge's order. This is a political activist. By the way, the beginning of your order says, "At birth, people are typically assigned a gender." I gotta say, that would astonish a lot of Americans. A lot of Americans think you go to the hospital, a baby is born, and congratulations!*

You have a little boy, a little girl. ... I know you went to Brown [University] but it sounds like it's in a college faculty lounge with no bearing on reality. The Bureau of Prisons argued what I'm saying right now, that if you put this person in a female prison, there will be a risk of sexual assault to the women. And you know what you did? You said you didn't care about the women. ... In what universe is someone who is a serial, repeat child rapist not at a risk of re-offending?

Netburn: *Senator, as I do in every case ...*

Cruz: *I know you've been told to repeat the line, "I follow the law." I asked a question: In what universe is someone who is a serial, repeat child rapist not at risk of re-offending?*

Netburn: *Sir, I looked at the facts that were before me in this case. All of the evidence, including the statements of every warden who had supervised this petitioner. ...*

Cruz: *I have to say if I were the father of one of those women, and you decided that my daughter's cellmate was gonna be a 6-foot-2 man who over and over and over again committed violent sexual assault, I would say the entire justice system is absurd. And it is clear on your record your political ideology matters a heck of a lot more than the rights of those women that you endangered. I think you're a radical. And I think you have no business being a judge.*

The Democrat-controlled Senate will almost certainly confirm the science-denier.

H/T: [Fox News](#)



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